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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,958	12/14/2006	Takeshi Saito	297517US2RD PCT	7388

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EXAMINER	
VAUGHAN, MICHAEL R	
ART UNIT	**PAPER NUMBER**
2431	

NOTIFICATION DATE	DELIVERY MODE
04/22/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/599,958	SAITO ET AL.	
	Examiner	Art Unit	
	MICHAEL R. VAUGHAN	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The instant application having Application No. 10/599958 is presented for examination by the examiner. Claims 1-20 are pending. Claims 2-4, 11-13 and 20 have been amended.

Response to Amendment

Claim Objections

Claims 20 is objected to because of the following informalities:

The "recording medium" lacks antecedent basis.

Claim Rejections - 35 USC § 101

The current amendment overcomes the previous 101 rejection.

Claim Rejections - 35 USC § 112

The current amendment overcomes the previous 112 rejection.

Response to Arguments

Applicant's arguments filed 3/04/09 have been fully considered but they are not persuasive. Applicant alleged the difference between prior art, Saito, and the instant application is that Saito does not teach change parameters of the wireless network.

Examiner respectfully disagrees. The term parameters has been given its broadest reasonable interpretation. The definition of parameter given by Google Dictionary is:

"any factor that defines a system and determines (or limits) its performance".

Saito teaches a system of securely pairing two devices in a registration mode. During the registration, every precaution is taken to ensure that registration can only be done by two authorized devices at short range. During registration, a short range transmitter is powered on. Thus the power output of the short range is changed from zero output to a positive amount of power suitable for short range communication. The time which the power is even on is limited as well. This changing of the output power is being interpreted as a factor that defines a system [the registration mode] and limits outsiders from gaining access to the system. Another parameter which only has meaning during registration is the short-distance ID. The RTT is only performed during the registration mode. Therefore the parameters are changing going into the registration mode (before RTT) and are changed back once registration is completed or fails (after RTT). Applicant appears to be basing his argument on a narrow interpretation of what a parameter is. If a narrower view of parameter is desired, the appropriate limitation should be incorporated into the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 10-13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by USP Application Publication 2005/0027984 to Saito et al., hereinafter Saito.

As per claim 1, Saito teaches a transmitter, comprising: a network interface unit connected to a wireless network capable of transmitting contents for which copyright protection is necessary (101);

an encryption processing unit configured to encrypt contents for which copyright protection is necessary (101);

an RTT measuring unit configured to measure a round trip time after a predetermined packet is transmitted to a receiver, until a response corresponding to the transmitted packet is received (129);

a communication permission determination unit configured to permit transmission of the contents for which protection is necessary when the round trip time measured by the RTT measuring unit is within a predetermined time (129); and

a parameter modification unit [power supply control unity] configured to change of the wireless network before and/or after the RTT measuring unit performs the measurement of the round trip time (101).

As per claim 10, Saito teaches a receiver, comprising: a network interface unit connected to a wireless network capable of transmitting contents for which copyright protection is necessary (109);

an encryption processing unit configured to encrypt contents for which copyright protection is necessary (109);

an RTT measuring unit configured to measure a round trip time after a predetermined packet is transmitted to a receiver, until a response corresponding to the transmitted packet is received (129);

a communication permission determination unit configured to permit transmission of the contents for which protection is necessary when the round trip time measured by the RTT measuring unit is within a predetermined time (129); and

a parameter modification unit [power supply control unity] configured to change of the wireless network before and/or after the RTT measuring unit performs the measurement of the round trip time (109).

As per claims 2 and 11, Saito teaches authentication & key exchange unit to authentication & key exchange processing with the receiver (101);

wherein the parameter modification unit the parameters to measure the round trip time when the authentication & key exchange unit performs the authentication & key exchange processing, and puts back the parameters after the measurement of the round trip time is completed, before the authentication & key exchange unit completes the authentication & key exchange processing (101 and 075).

As per claims 3 and 12, Saito teaches authentication & key unit to authentication & key exchange processing with the receiver (101);

wherein the modification unit changes the parameters to measure the round trip time when the authentication & key exchange unit performs the authentication & key exchange processing, and puts back the parameters after the authentication & key exchange unit completes the authentication & key exchange processing (101 and 075).

As per claims 4 and 13, Saito teaches authentication & key exchange unit configured to perform authentication & key exchange processing with the receiver (101); wherein the parameter modification unit changes the parameters to measure the round trip time before transmission of commands relating to contents for which copyright protection is necessary is begun, and puts back the parameters after transmission processing of contents for which copyright protection is necessary is completed (101 and 075).

As per claim 19, Saito teaches a communication control program comprising (101): measuring a round trip time after a predetermined packet is transmitted to the other communication apparatus, until a response corresponding to the transmitted packet is received (129);

permitting transmission or reception of contents for which copyright protection is necessary when the measured round trip time is within a predetermined time (129);

transmitting or receiving the encrypted contents via a wireless network when transmission or reception of the contents is permitted (129); and

changing parameters [power supply control unit] of the wireless network before and/or after the round trip time is measured (101).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-9, 14-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito in view of USP Application Publication 2003/0197488 to Hulvey hereinafter Hulvey.

As per claims 5, 14, and 20, Saito is silent in disclosing the wireless network is Bluetooth; and the parameter modification unit changes at least one of a sniff interval expressing transmission and reception interval, a polling interval, transmission power and master-slave prescribed by a standard of Bluetooth as parameters. Saito teaches modifying the parameters during the RTT measurement (101). Saito also teaching the secure pairing of two devices not unlike the Bluetooth protocol. Saito teaches a short-ranged wireless communication but not specifically Bluetooth. Hulvey teaches a wireless network is Bluetooth; and the parameter modification unit changes at least one of a sniff interval expressing transmission and reception interval, a polling interval, transmission power and master-slave prescribed by a standard of Bluetooth as parameters (0052). Saito also teaches controlling the power of the devices in the wireless network (101). Hulvey also teaches this mechanism as means to converse

power among other reasons. Controlling the parameters of a Bluetooth network was well known in the art at the time of the invention. Therefore the claim would have been obvious because controlling Bluetooth parameters was recognized as part of the ordinary capabilities of one skilled in the art and because applying a known technique to a known system ready for improvement to yield predictable results is within those capabilities. Saito teaches a short-ranged wireless communication. Bluetooth is a type of short-ranged wireless communication. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute Bluetooth into the system of Saito. The claim would have been obvious because a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.

As per claims 6 and 15, Saito is silent in disclosing the parameter modification unit sets the sniff interval shorter than a normal interval when the RTT measuring unit performs the measurement. Hulvey teaches the parameter modification unit sets the sniff interval shorter than a normal interval when the RTT measuring unit performs the measurement (0053). Examiner relies upon the rationale for combining Saito and Hulvey as cited above for combining the modification of parameters of a Bluetooth communication.

As per claims 7 and 16, Saito is silent in disclosing the parameter modification unit sets the polling interval shorter than a normal interval when the RTT measuring unit performs the measurement. Hulvey teaches the parameter modification unit sets the polling interval shorter than a normal interval (0052). Examiner relies upon the rationale

for combining Saito and Hulvey as cited above for combining the modification of parameters of a Bluetooth communication.

As per claims 8 and 17, Saito is silent in disclosing the parameter modification unit sets a transmission power weaker than a normal power when the RTT measuring unit performs the measurement. Hulvey teaches the parameter modification unit sets a transmission power weaker than a normal power (0054). Examiner relies upon the rationale for combining Saito and Hulvey as cited above for combining the modification of parameters of a Bluetooth communication.

As per claims 9 and 18, Saito teaches the parameter modification unit reverses roles of a master device and a slave device when the RTT measuring unit performs the measurement (101 and 0047).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed on the enclosed PTO-892 form.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2431